

From: ["Perkins, Erin" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=B2E346DBD35A463AB95787E5D0D1BA97-PERKINS, ERIN>](#)  
To: [Hamilton](#)  
[Karen](#);  
CC: [Ott](#)  
[Toney](#);  
Date: 8/28/2014 1:31:55 PM  
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draftresponse to mine

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(b) (5) (DP), (b) (5) (ACP)

-----Original Message-----

From: Hamilton, Karen  
Sent: Thursday, August 28, 2014 1:30 PM  
To: Perkins, Erin  
Cc: Ott, Toney  
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting - draft response to mine

(b) (5) (ACP), (b) (5) (DP)

Sincerely

Karen

Karen Hamilton

Chief, Aquatic Resource Protection and Accountability Unit US Environmental Protection Agency Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
303 312 6236

Protect our Nation's waters

-----Original Message-----

From: Lazuk, Raymond [mailto:Raymond\_Lazuk@FMI.com]  
Sent: Thursday, August 28, 2014 10:34 AM  
To: McWhirter, Lesley A SPK  
Subject: [EXTERNAL] RE: EPA Contact for Climax Mine Section 404 Permitting

Hi Lesley,

Thanks again for the phone discussion yesterday. Since I did not hear back from you yesterday it appears that EPA has not yet responded. Please provide me with the name of the EPA official that you sent your JD recommendation to and we can reach out to that person.

Thanks,

- Ray

From: Lazuk, Raymond

Sent: Wednesday, August 27, 2014 9:47 AM  
To: McWhirter, Lesley A SPK (Lesley.A.McWhirter@usace.army.mil)  
Subject: RE: EPA Contact for Climax Mine Section 404 Permitting

Hi Lesley,

This is to follow up on my email below and phone conversation with you last Wednesday. Can you please provide a contact at EPA for us to discuss our position regarding the 1974 NPDES permit and JD with?

Thanks,

- Ray

From: Lazuk, Raymond  
Sent: Wednesday, August 20, 2014 11:01 AM  
To: McWhirter, Lesley A SPK (Lesley.A.McWhirter@usace.army.mil)  
Cc: Nall, Susan SPK (Susan.Nall@usace.army.mil); Finan, Michael C SPK (Michael.C.Finan@usace.army.mil); Joshua.R.Holmes@usace.army.mil;  
Deely, Sheila H.; Decker, D. Lee; 'Robert M. Andersen' (randersen@ClarkHill.com)  
Subject: EPA Contact for Climax Mine Section 404 Permitting

Lesley,

Thank you for the recent opportunity to discuss your preliminary conclusions and recommendations regarding the jurisdictional determination (JD) of the McNulty Gulch study area prior to submittal to EPA.

As you are aware, our position regarding the extent of the waste treatment system exemption as applied to the McNulty Gulch drainage area at the Climax Mine turns on language from the original NPDES permit that EPA Region 8 issued to Climax in 1974. That permit (p. 6 of 17 (Section (B)(1))) directly required construction , operation, and maintenance of the east and west interceptors at the mine to convey clean water around the mine site, allow impacted water within the mine site to be treated, and to ensure compliance with effluent limitations.

Because the 1974 NPDES permit issued by EPA establishes the scope and configuration of the waste treatment system for the Climax Mine, along with the fact that the application of the waste treatment exemption is largely defined by Section 402 of the Clean Water Act, we believe it is important that Climax discuss the appropriate application of the waste treatment system directly with EPA, as it has with the Corps. We would very much appreciate your advising us as to who you are specifically conferring with at EPA, and we would be grateful if you would pass along this message to them.

- Ray

Raymond Lazuk

Environmental Manager

Climax Molybdenum Company - Climax Mine

Highway 91 - Fremont Pass

Climax, CO 80429

Office: 719-486-7584

Cell: 719-201-1282

[raymond\\_lazuk@fmi.com](mailto:raymond_lazuk@fmi.com)